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Attorney Docket No. 00020.08CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: HODGES, *ET AL.*

SERIAL NO.: 10/696,959

FILED: OCTOBER 30, 2003

TITLE: DELIVERY OF AEROSOLS  
CONTAINING SMALL PARTICLES  
THROUGH AN INHALATION ROUTE

EXAMINER: Haghighatian, M.

ART UNIT: 1616

CONFIRMATION NO.: 8482

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application. In accordance with 37 CFR § 1.98(a)(3)(i) the relevance of Clark et al. (1986) Z. Erkrank 166:13-24 is set forth in the abstract, the English translations of which is provided.

TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2005

08/02/2005 CNGUYEN2 00000049 10696959

Signature:

Name: Tracy E. Crispino

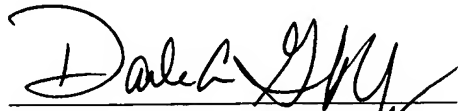
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interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: July 29, 2005

A handwritten signature in dark ink, appearing to read 'Darla G. Yoerg', written over a horizontal line.

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<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF</b> <b>COMMERCE PATENT</b> <b>AND TRADEMARK</b> <b>OFFICE</b> List of Information Cited by Applicant Page 1 of 3	<b>ATTY. DOCKET NO.</b> 00020.08CON		<b>SERIAL NO.</b> 10/696,959
	<b>APPLICANT</b> HODGES, ET AL.		
	<b>FILING DATE</b> OCTOBER 30, 2003		<b>GROUP</b> 1616

U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	AA	10/057,198	10/26/2001	Lloyd et al.			
	AB	10/146,088	5/13/2002	Hale et al.			
	AC	10/280,315	10/25/2002	Shen			
	AD	10/302,614	11/21/2002	Lu			
	AE	10/322,227	12/17/2002	Novack et al.			
	AF	10/442,385	5/20/2003	Cross et al.			
	AG	10/719,540	11/20/2003	Hale et al.			
	AH	10/850,895	5/20/2004	Damani et al.			
	AI	10/851,018	5/20/2004	Hale et al.			
	AJ	10/851,429	5/20/2004	Hale et al.			
	AK	10/851,432	5/20/2004	Hale et al.			
	AL	10/851,883	5/20/2004	Hale et al.			
	AM	10/861,554	6/3/2004	Cross et al.			
	AN	10/912,417	8/4/2004	Bennett et al.			
	AO	10/917,720	8/12/2004	Hale et al.			
	AP	10/917,735	8/12/2004	Hale et al.			
	AQ	10/750,303	8/12/2004	Rabinowitz et al.			

FOREIGN PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	AR	GB 502 761	03/24/1939	Great Britain			
	AS	WO 97/36574	10/09/1997	WIPO			
	AT	WO 99/16419	04/08/1999	WIPO			

		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
	AU	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01 "Method And Device For Delivering A Physiologically Active Compound"
	AV	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AV	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AX	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AY	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"
	AZ	Office Action mailed 08/13/03 for US App. No. 10/153,313 filed 05/21/02, "Delivery of Benzodiazepines through an Inhalation Route"
EXAMINER		DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		



<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  List of Information Cited by Applicant  Page 3 of 3	<b>ATTY. DOCKET NO.</b> 00020.08CON	<b>SERIAL NO.</b> 10/696,959
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U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	CA	5,855,913	1/5/1999	Hanes et al.			
	CR	5,874,481	2/23/1999	Weers et al.			
	CC	5,894,841	4/20/1999	Voges			
	CD	5,918,595	7/6/1999	Olsson et al.			
	CE	6,090,212	7/18/2000	Mahawili			
	CF	6,095,134	8/1/2000	Sievers et al.			
	CG	6,131,570	10/17/2000	Schuster et al.			
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	CJ	6,158,431	12/12/2000	Poole			
	CK	6,234,167	5/22/2001	Cox et al.			
	CL	6,591,839	7/15/2003	Meyer et al.			
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	CR	6,701,922	3/9/2004	Hindle et al.			
	CO	6,772,756	8/10/2004	Shayan			
	CR	2002/0117175	8/29/2002	Kottayil et al.			
	CQ	2003/0032638	2/13/2003	Kim et al.			
	CR	2004/0016427	1/29/2004	Byron et al.			
	CS	RE 30,285	05/27/1980	Babington			

FOREIGN PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	CT	WO 00/00176	01/06/2000	WIPO			
	CU	WO 00/00215	01/06/2000	WIPO			
	CV	WO 00/47203	01/06/2000	WIPO			
	CW	WO 00/64940	11/02/2000	WIPO			
	CX	WO 00/66206	11/19/2000	WIPO			
	CY	WO 03/037412	05/08/2003	WIPO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
CZ	Hong et al. (2002) Respiratory Drug Delivery VIII:779-781	
CAA	Clark et al. (1986) Z. Erkrank 166:13-24	
CBB	Vapotronics, Inc. (1998) located at <a href="http://www.vapotronics.com.au/banner.htmu">http://www.vapotronics.com.au/banner.htmu</a> , 11 pages (visited on June 5, 2000)	
CCC		
EXAMINER		DATE CONSIDERED
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